

1                   A bill to be entitled  
2       An act relating to constitutional amendments; amending  
3       s. 100.371, F.S.; requiring a petition-gatherer to  
4       attest that he or she is a Florida resident; allowing  
5       interested persons to submit position statements for  
6       publication on the Department of State website;  
7       extending the timeframe for the Financial Impact  
8       Estimating Conference to complete its analysis;  
9       requiring the analysis to summarize the impact to the  
10      state and local economy; requiring each supervisor to  
11      include a copy of the summary in the publication or  
12      mailing required by s. 101.20; amending s. 101.161,  
13      F.S.; requiring the name of the sponsor of an  
14      initiative to appear on the ballot with the percentage  
15      of donations received from certain in-state donors;  
16      requiring a statement to appear on the ballot if the  
17      amendment is estimated to increase costs, decrease  
18      revenues, or have an indeterminate impact; requiring a  
19      statement to appear on the ballot indicating whether  
20      the policy proposed by a constitutional amendment can  
21      be implemented by the Legislature; requiring the  
22      Attorney General to make specified requests of the  
23      Supreme Court relating to proposed amendments;  
24      amending s. 101.171, F.S.; requiring a copy of  
25      proposed amendments to be provided in each voting

26 booth; creating s. 104.186, F.S.; prohibiting  
27 compensation for initiative petition-gatherers based  
28 on the number of petitions gathered; providing for  
29 application; providing an effective date.  
30

31 Be It Enacted by the Legislature of the State of Florida:  
32

33 Section 1. Subsections (3) and (4), paragraphs (a) and (e)  
34 of subsection (5), and subsections (6) and (7) of section  
35 100.371, Florida Statutes, are amended to read:

36 100.371 Initiatives; procedure for placement on ballot.—

37 (3) Prior to obtaining signatures, a petition-gatherer must  
38 register with the Secretary of State. The registrant must  
39 provide his or her name, date of birth, residential address, and  
40 attestation that he or she is a Florida resident. The secretary  
41 shall maintain a searchable database of registered petition-  
42 gatherers.

43 (4) An initiative petition form circulated for signature  
44 may not be bundled with or attached to any other petition. Each  
45 signature shall be dated when made and shall be valid for a  
46 period of 2 years following such date, provided all other  
47 requirements of law are met. The sponsor shall submit signed and  
48 dated forms to the supervisor of elections for the county of  
49 residence listed by the person signing the form for verification  
50 of the number of valid signatures obtained. If a signature on a

51 petition is from a registered voter in another county, the  
52 supervisor shall notify the petition sponsor of the misfiled  
53 petition. The supervisor shall promptly verify the signatures  
54 within 30 days after receipt of the petition forms and payment  
55 of the fee required by s. 99.097. The supervisor shall promptly  
56 record, in the manner prescribed by the Secretary of State, the  
57 date each form is received by the supervisor, and the date the  
58 signature on the form is verified as valid. The supervisor may  
59 verify that the signature on a form is valid only if:

60 (a) The form contains the original signature of the  
61 purported elector.

62 (b) The purported elector has accurately recorded on the  
63 form the date on which he or she signed the form.

64 (c) The form sets forth the purported elector's name,  
65 address, city, county, and voter registration number or date of  
66 birth.

67 (d) The purported elector is, at the time he or she signs  
68 the form and at the time the form is verified, a duly qualified  
69 and registered elector in the state.

70 (e) The petition-gatherer who collected the petition is  
71 registered with the Secretary of State under subsection (3).  
72

73 The supervisor shall retain the signature forms for at least 1  
74 year following the election in which the issue appeared on the  
75 ballot or until the Division of Elections notifies the

76 supervisors of elections that the committee that circulated the  
77 petition is no longer seeking to obtain ballot position.

78 (5) Upon determining that a constitutional amendment  
79 proposed by initiative has met the requirements to be placed on  
80 the ballot, the Secretary of State shall allow any interested  
81 person to file a position statement of no more than fifty words  
82 outlining why the person supports or opposes the amendment. The  
83 secretary shall publish each position statement on the webpage  
84 for constitutional amendments on the department's website.

85 (6)~~(4)~~ The Secretary of State shall determine from the  
86 signatures verified by the supervisors of elections the total  
87 number of verified valid signatures and the distribution of such  
88 signatures by congressional districts. Upon a determination that  
89 the requisite number and distribution of valid signatures have  
90 been obtained, the secretary shall issue a certificate of ballot  
91 position for that proposed amendment and shall assign a  
92 designating number pursuant to s. 101.161.

93 (7)~~(5)~~(a) Within 60 ~~45~~ days after receipt of a proposed  
94 revision or amendment to the State Constitution by initiative  
95 petition from the Secretary of State, the Financial Impact  
96 Estimating Conference shall complete an analysis and financial  
97 impact statement to be placed on the ballot of the estimated  
98 increase or decrease in any revenues or costs to state or local  
99 governments and estimated economic impact on the state and local  
100 economy resulting from the proposed initiative. The Financial

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Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(e)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience and the estimated

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126 economic impact on the state and local economy if the ballot  
127 measure were approved. If appropriate, the initiative financial  
128 information statement may include both estimated dollar amounts  
129 and a description placing the estimated dollar amounts into  
130 context. The initiative financial information statement must  
131 include both a summary of not more than 500 words and additional  
132 detailed information that includes the assumptions that were  
133 made to develop the financial impacts, workpapers, and any other  
134 information deemed relevant by the Financial Impact Estimating  
135 Conference.

136         4. The Department of State shall have printed, and shall  
137 furnish to each supervisor of elections, a copy of the summary  
138 from the initiative financial information statements. The  
139 supervisors shall have the summary from the initiative financial  
140 information statements available at each polling place and at  
141 the main office of the supervisor of elections upon request.

142         5. The Secretary of State and the Office of Economic and  
143 Demographic Research shall make available on the Internet each  
144 initiative financial information statement in its entirety. In  
145 addition, each supervisor of elections whose office has a  
146 website shall post the summary from each initiative financial  
147 information statement on the website. Each supervisor shall  
148 include a copy of each summary from the initiative financial  
149 information statements and the Internet addresses for the  
150 information statements on the Secretary of State's and the

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Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(8)~~(6)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections (1)-(7)~~(5)~~.

(9)~~(7)~~ No provision of this code shall be deemed to prohibit a private person exercising lawful control over privately owned property, including property held open to the public for the purposes of a commercial enterprise, from excluding from such property persons seeking to engage in activity supporting or opposing initiative amendments.

Section 2. Subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) (a) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and

176 budget reform commission proposal, or enabling resolution or  
177 ordinance. The ballot summary of the amendment or other public  
178 measure shall be an explanatory statement, not exceeding 75  
179 words in length, of the chief purpose of the measure. In  
180 addition, for every amendment proposed by initiative, the ballot  
181 shall include, following the ballot summary and before the  
182 proposed amendment text, in the following order:

183 1. The name of the initiative's sponsor and the percentage  
184 of total contributions obtained by the sponsor from in-state  
185 persons. For purposes of this subparagraph, "person" has the  
186 same meaning as provided in s. 106.011(14), except that the term  
187 does not include a political party, affiliated party committee,  
188 or political committee.

189 2. A separate financial impact statement concerning the  
190 measure prepared by the Financial Impact Estimating Conference  
191 in accordance with s. 100.371(5).

192 3. If the financial impact statement estimates increased  
193 costs or decreased revenues, a range that includes increased  
194 costs or decreased revenues, or an indeterminate impact, the  
195 following statement in bold print:

196  
197 THE FLORIDA CONSTITUTION REQUIRES A BALANCED BUDGET. THIS  
198 PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO RESULT IN  
199 INDETERMINATE OR INCREASED COSTS OR INDETERMINATE OR  
200 DECREASED REVENUES, WHICH MAY REQUIRE INCREASED TAXES OR A



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REDUCTION IN GOVERNMENT SERVICES THAT ARE CURRENTLY FUNDED.

4. The following question, with an accompanying yes or no answer provided by the Supreme Court pursuant to subparagraph (b)1.:

CAN THE PROPOSED POLICY BE IMPLEMENTED BY THE LEGISLATURE WITHOUT THE NEED FOR A CONSTITUTIONAL AMENDMENT?

The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. This subsection does not apply to constitutional amendments or revisions proposed by joint resolution.

(b) When the Attorney General requests an advisory opinion of the Supreme Court to review a proposed constitutional amendment, the Attorney General shall include a request for the Court to:

1. Address whether the proposed policy can be implemented by the Legislature without the need for a constitutional amendment and indicate a yes or no answer, which must be printed on the ballot summary.

2. Identify any undefined terms within the proposed amendment that will have a substantive impact.

Section 3. Section 101.171, Florida Statutes, is amended to read:

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101.171 Copy of constitutional amendment to be available at voting locations.—Whenever any amendment to the State Constitution is to be voted upon at any election, the Department of State shall have printed and shall furnish to each supervisor of elections a sufficient number of copies of the amendment either in poster or booklet form, and the supervisor shall have a copy thereof conspicuously posted or available at each voting booth ~~polling room or early voting area upon the day of election.~~

Section 4. Section 104.186, Florida Statutes, is created to read:

104.186 Initiative petitions; prohibition on compensation based on the number of petitions gathered.— A person who compensates an initiative petition-gatherer based on the number of petitions gathered commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. The provisions of this act apply to all revisions or amendments to the State Constitution by initiative that were proposed for the 2020 election ballot; provided, however, that nothing in this act shall affect the validity of any petition gathered prior to this act's effective date.

Section 6. This act shall take effect upon becoming a law.